

Template for Local Health Department use in preparing the report required pursuant to Session Law 2014-120, Section 29.(b).

The State has prepared this template for use by local departments in fulfilling the reporting requirements relative to the referenced Session Law. The format of the template mirrors that used in the State's report for your convenience. Each section includes a description of the information your department must provide. Local departments may reference the State report as appropriate.

DRAFT

Part 1A: On-site Water Protection: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: *Describe the types of review your agency performs relative to On-site Water Protection and what methods you use to ensure that reviews are limited to regulatory compliance. Reference the State's report as appropriate.*

I. First type of Regulatory submittal

A. A description of the process

B. Etc.

LHD=Local Health Department

IP=Improvement Permit

OP=Operation Permit

PE=Professional Engineer

OSWP=On-Site Water Protection

B.

A. Regulatory Submittals that include the following must be submitted to OSWP for review:

1. Systems with design daily flows > 3,000 total gallons per day [15A NCAC 18A .1938(e)];
2. Systems designed pursuant to 15A NCAC 18A .1949 (c) or (d);
3. Systems designed for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)];
4. Prefabricated septic tanks, pumps tanks, effluent filters, risers and riser covers, and pipe penetrations [15A NCAC 18A .1953 and .1954];
5. Residential wastewater treatment systems [15A NCAC 18A .1957(c)]; and
6. Applications for wastewater systems, components, or devices that are submitted under Rule 15A NCAC 18A .1969.

B. Other Regulatory Submittals are submitted directly to the LHD who, in turn, either reviews or requests review by OSWP [15A NCAC 18A .1938(f)].

The steps taken on systems requiring engineered plans reviewable by the LHD:

IP Issued by the LHD, PE plans submitted to the LHD with the application for a CA, Plans found satisfactory and CA issued, System gets installed and OP is held for As-Built PE plans, As-Built plans brought to LHD and OP issued after As-Built plans reviewed and found acceptable.

Part 1B: Food Protection and Facilities: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: *Describe the types of review your agency performs relative to Food Protection and Facilities and what methods you use to ensure that reviews are limited to regulatory compliance. Reference the State's report as appropriate.*

I. First type of Regulatory submittal

A. A description of the process

B. Etc.

I. The Cherokee County Health Department reviews plan submittals for non-franchised food establishments. In addition, plans are also reviewed for institutions, childcare, lodging, public swimming pools, and tattoo parlors. Plan review checklists are used to assure uniform review for compliance with the rules. Local Program Coordinators (PC) and Environmental Health Specialists (EHS) review individual plans. Technical assistance from regional NCDHHS staff is available if needed.

A. Plan Review Application forms and guidance are provided to assure all needed information is in order for approval. As per 15A NCAC 18A .2500, Rules Governing Public Swimming Pools, the local Environmental Health Specialists approves, disapproves, or provides written comments on plans and specification within 30 days of their receipt.

Part 2A: On-site Water Protection Informal Internal Review Processes and

Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29.(c).

I. *If your department has specific local procedures for Informal Internal Review of On-site Water Protection projects, include a description here.*

A. *Note that the State's report provides a mechanism by which local agencies can fulfill the requirements for this process. You may reference the State report as appropriate for this section.*

B. ~~Etc.~~

II. LHD=Local Health Department

III. IP=Improvement Permit

IV. OP=Operation Permit

V. PE=Professional Engineer

VI. OSWP=On-Site Water Protection

~~B.~~

Scope:

This guidance is applicable to Regulatory Submittals prepared, sealed and signed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes. These Regulatory Submittals are reviewed by either the On-Site Water Protection Branch (OSWP) or the local health department (LHD) environmental health staff acting under delegated authority.

A. Regulatory Submittals that include the following must be submitted to OSWP for review:

1. Systems with design daily flows > 3,000 total gallons per day [15A NCAC 18A .1938(e)];

2. Systems designed pursuant to 15A NCAC 18A .1949 (c) or (d);

3. Systems designed for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)];

4. Prefabricated septic tanks, pumps tanks, effluent filters, risers and riser covers, and pipe penetrations [15A NCAC 18A .1953 and .1954];

5. Residential wastewater treatment systems [15A NCAC 18A .1957(c)]; and

6. Applications for wastewater systems, components, or devices that are submitted under Rule 15A NCAC 18A .1969.

B. Other Regulatory Submittals are submitted directly to the LDH who, in turn, either reviews or requests review by OSWP [15A NCAC 18A .1938(f)].

III. Informal Internal Review Process North Carolina Session Law 2014-120, Section 29(c) identifies two circumstances that allow a Submitting Party to request an Informal Internal Review of the LHD or OSWP review:

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A. The Regulatory Submittal includes a design or practice sealed by a PE that is not included in the Regulatory Authority's existing guidance, manuals or standard operating procedures. The internal review process for these requests depends on whether the Regulatory Submittal was submitted to the LHD or OSWP:

2. Submittal to LHD

a. LHD Staff review or send to OSWP section the Regulatory Submittal

b. If requested by the Submitting Party, informal review will be conducted by

(a) Reviewer's supervisor and/or,

(b) OSWP Branch staff

(a) Review may be provided by a consulting NC licensed PE selected from a list developed and maintained by the OSWP Branch in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes.

(b) The Regulatory Authority will make the Submitting Party responsible for costs of the review by the consulting NC licensed PE.

IV. Procedure for Developing and Maintaining a List of PEs for Reviews

The OSWP Branch will post the list of PEs approved for Informal Internal Review processes on its website to which the submitting party will be referred.

Part 2B: Food Protection and Facilities Informal Internal Review Processes and Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29.(c).

- I. *If your department has specific local procedures for Informal Internal Review of Food Protection and Facilities projects, include a description here.*
 - A. *Note that the State's report provides additional mechanisms by which local agencies can fulfill the requirements for this process. These include a regulatory provision (15A NCAC 18A .2676) as well as a description of the State's plan to establish a list of private sector engineers qualified to perform these reviews. You may reference the State report as appropriate for this section.*
 - B. *Etc.*

When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected for resubmission.

If resubmittal does not fully comply with the rules, the process of resubmittal is repeated.

Differences of opinion regarding the interpretation of a rule may be resolved through an informal review as provided in rule 15A NCAC 18A .2676.

15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:

- (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
- (2) Initiate a contested case in accordance with G.S. 150B.

(b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.

(c) When a petition for a contested case is filed, the informal review process shall terminate.

(d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand-delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health

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department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2661 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a);

Eff. September 1, 2012

Part 3A: Onsite Water Protection Review of Working Job Titles

Reference Session Law 2014-120, Section 29.(h).

- I. *Provide a description of your department's review of working job titles of every local On-site Water Protection employee with job duties that include review of Regulatory Submittals here.*
 - A. *Include what, if any, administrative measures or working job title revisions your department proposes to implement.*
 - ~~B.~~ *Note that the Session Law only requires that you review and propose any revisions prior to submitting the report. That is, revisions need not be accomplished prior to sending the report.*

[I. Program Coordinator On-Site Water Protection Section Cherokee County Health Department conducts plan reviews.](#)

[A. No administrative measures or working job title revisions](#)

Part 3B: Food Protection and Facilities Review of Working Job Titles

Reference Session Law 2014-120, Section 29.(h).

- I. *Provide a description of your department's review of working job titles of every local Food Protection and Facilities employee with job duties that include review of Regulatory Submittals here.*
 - A. *Include what, if any, administrative measures or working job title revisions your department proposes to implement.*
 - B. *Note that the Session Law only requires that you review and propose any revisions prior to submitting the report. That is, revisions need not be accomplished prior to sending the report.*
 - C. *Two positions in the Food Lodging and Institutions Program of the Cherokee County Health Department, Food, Lodging, and Institutions Program Coordinator and Environmental Health Specialist, conduct reviews of plan submittals. .*

B-D.